

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

LPA No. 251/2024

**GHULAM HASSAN SHERGOJRI & ...Petitioner/Appellant(s)
ORS**

Through: Mr. Taha Khalil, Advocate

Vs.

MOHAMMAD RAJAB GOJRI AND ORS ...Respondent(s)

Through: Mr. Ab. Rashid Malik, Sr. AAG

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDE R
31.05.2025

Per Sanjeev Kumar-J (oral):

1. This intra-court appeal by the appellants is directed against an order and judgment dated 31st August, 2024, passed by the learned Single Judge of this Court [“the writ Court”] in WP (C) No. 45/2022 titled “*Mohammad Rajab Gojri, Vs. UT of JK & Ors.*”, whereby the writ Court has dismissed the petition filed by the respondent No. 1 as having been rendered infructuous. It has been noted by the writ Court that since the permission which was impugned in the writ petition was valid for a period of two years and had outlived its life, as such, the writ petition throwing challenge to said permission had been rendered infructuous.
2. In the appeal before us, the learned counsel for the appellants restricts his challenge to the impugned order to the extent that writ Court ought to have at least provided the extension of permission by the period it remained eclipsed because of interim order of stay passed by this court
3. Having heard learned counsel for the parties and perused the material on record, we find that vide impugned order and judgment dated 31.08.2024 the writ Court has dismissed WP(C) No. 45/2022

filed by the respondent No. 1 and, therefore, the appellants cannot be aggrieved of the same. However, having regard to the limited submissions made by the learned counsel appearing for the appellants, we are inclined to dispose of this appeal by providing as under:

The Municipal Committee, Hajin, which had granted building permission to the appellants before us vide order No. MC/H/BP/21/949-50 dated 06.08.2021 shall extend the permission by a further period of two years.

Ordered accordingly.

4. We have passed this direction keeping in view the fact that the appellants could not raise their construction in terms of the permission because of the interim order of stay passed by the learned Single Judge on 14th January, 2022 in WP (C) No. 45/2022.
5. The aforesaid petition as is evident from the impugned order was ultimately dismissed. The appellants, therefore, cannot be made to suffer for something which they have not done. Let the Executive Officer Municipal Committee issue a formal order of extension of the permission granted vide order dated 6th August, 2021, by another two years subject to the terms and conditions contained in the building permission dated 6th August, 2021.
6. Disposed of.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

31.05.2025

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